

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR14-198 RAJ
)
Plaintiff,)
)
v.) DETENTION ORDER
)
FERNANDO RODRIGUEZ-PENA,)
)
Defendant.)
_____)

Offense charged:

Conspiracy to Distribute Controlled Substances:

Methamphetamine, Heroin and Cocaine

Date of Detention Hearing: July 15, 2014.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

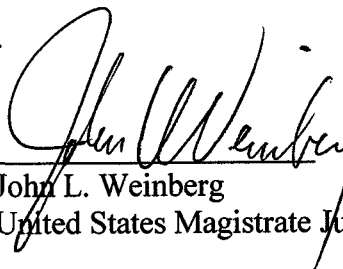
FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant was born in Mexico, and is a citizen of that country.
- (2) The United States alleges that his presence in this country is illegal. There is an immigration detainer pending against him. If this court were to order him released on conditions on these charges, he would transfer into immigration custody. The issue of detention is therefore essentially moot.
- (3) In light of that detainer, defendant and his counsel did not contest the issue of detention.
- (4) The nature of the charges creates a rebuttable presumption of detention, both for dangerousness and flight risk. Defendant has not effectively rebutted that presumption.
- (5) Upon advice of counsel, defendant declined to be interviewed by this court's pretrial services officer. This limited the information available to the court as to his background and his eligibility for release.
- (6) The court concurs in the recommendation of the Pretrial Services Office that defendant be detained.
- (7) If the immigration detainer were removed, or if there is other new information which meets the standard of 18 USC §3142(f), defendant may move to reopen the detention issue.

01 It is therefore ORDERED:

- 02 1. Defendant shall be detained pending trial and committed to the custody of the
03 Attorney General for confinement in a correction facility separate, to the extent
04 practicable, from persons awaiting or serving sentences or being held in custody
05 pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the
09 person in charge of the corrections facility in which defendant is confined shall deliver
10 the defendant to a United States Marshal for the purpose of an appearance in
11 connection with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
13 for the defendant, to the United States Marshal, and to the United States Pretrial
14 Services Officer.

15 DATED this 15 day of July, 2014.

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17 John L. Weinberg
18 United States Magistrate Judge
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